



City Council Agenda

Council President
Blong Xiong

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Henry T. Perea
Cynthia A. Sterling – Acting President
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

January 29, 2008

8:30 A.M. ROLL CALL

Invocation by Pastor Michael Eanes of Christ Temple Church

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Proclamation of "GO RED FOR WOMEN, AMERICAN HEART MONTH" – Acting President Sterling – **Not presented**

Presentation of "Big Check" Awards to City Staff For Idea\$ Pay – City Manager's Office - **Presented**

1. Lighting Retrofit at the Convention Center Plaza – Steve Crandall, General Services Department/Facilities Management Division
2. Recycling equipment from retired patrol cars– Robert Ascencio, John Steinhauer, George Hobbs, Arnolfo Ray Flores, Felipe Martinez, Richard Jufiar, General Services Department/Fleet Management Division and Al Shepherd, Information Services Department/Communications Services Division
3. Excise Tax Rebate – Roberta Cope & Joseph Oldham, General Services Department/Fleet Management Division
4. Engineer & fabricate steel stand to ship raw sewage lift pumps – Ken Wade & Kim LeBlanc, Department of Public Utilities/Wastewater Management Division
5. Replace incandescent light bulbs with CFL light bulbs in shelters and restrooms in Regional and Pocket Parks – James Horg, Parks, Recreation & Community Services/Parks Division

^{4th} Quarter Make a Promotion a Commotion Ceremony (***Reception immediately following – 2nd floor foyer***) - Held

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

[Approve minutes of January 15, 2008](#)

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

A. [Recommend approval of Amendment No. 1 to Service Agreement for fire protection and emergency services to North Central Fire Protection District – Fire Department](#)

Action Taken: Approved

1. * **RESOLUTION** - 48th amendment to AAR No. 2007- 214 appropriating \$370,100 to the Fire Department for the addition of truck company staff and equipment to the North Central Fire Protection District Service Agreement (*Requires 5 affirmative votes*)

Action Taken: Resolution No. 2008-7 adopted

2. * **RESOLUTION** – 7th amendment to PAR No. 2007-215 adding eight (8) firefighter positions to the Fire Department beginning February 1, 2008 through June 30, 2008

Action Taken: Resolution No. 2008-8 adopted

B. [Recommend approval of Rider No. 2 to Fig Garden - City of Fresno Fire Protection Services Agreement – Fire Department](#)

Action Taken: Approved

C. * [Award a requirements contract in the amount of \\$4,719,497.80 to Fresno Truck Center of Fresno, CA for side loading refuse trucks – General Services Dept./Fleet Management](#)

Action Taken: Removed from the agenda

1. **CONSENT CALENDAR CONTINUED**

- D. * Approve Side Letter of Agreement with International Association of Firefighters (IAFF), Local 753, Fire Basic, Unit 05, regarding hiring of Fire Department recruits, accrual of compensatory time, and vacation leave accrual cap – Personnel Services Dept.
Action Taken: Approved
- E. Authorize acceptance of Fiscal Year 2007 Cycle State Homeland Security Program funds sub-granted from the State of California Governor's Office of Homeland Security, as a part of the U.S. Department of Homeland Security's State Homeland Security Grant Program – Police Department
Action Taken: Authorized
1. * **RESOLUTION** - 65th amendment to AAR No. 2007-214 appropriating \$255,000 for the Fresno Police Department's Homeland Security Grant Program **(Requires 5 affirmative votes)**
Action Taken: Resolution No. 2008-9 adopted
- F. * Approve the acquisition of a site for Fire Station 18 on West Shaw Avenue, between Bryan Avenue and Grantland Avenue **(Property located in District 2)**-Public Works Department
Action Taken: Removed from the agenda
- G. Reject all bids for installation of street infrastructure in No Neighborhood Left Behind Area 66 **(Property located in District 6)** – Department of Public Utilities
Action Taken: Rejected
- H. * **RESOLUTION** – 6th amendment to Salary Resolution No. 2007-217 reinstating the classification of Airports Property Supervisor in Exhibit 2.4 Management Non-Confidential Employees – Personnel Services Department
Action Taken: Resolution No. 2008-10 adopted
- I. Approve reappointment of Al Grace to the Fresno-Madera Area Agency on Aging Board – Mayor's Office
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

9:00 A.M. B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda - **Held**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M.

CITY COUNCIL

- A. **BILL – (For introduction)** – Amending Section 4-108 of the Fresno Municipal Code relating to local preference in the purchase of materials, supplies and equipment –Councilmember Dages
Action Taken: Discussed and tabled two weeks for community input and additional information
- B. Request that staff prepare a proposal to conduct a pilot project to determine the effectiveness of FAX bus-enabled Wi-Fi as an amenity to our FAX system - Jerry Duncan
Action Taken: Approved

9:30 A.M.

GENERAL ADMINISTRATION

- A. Appointment of Joe Levy as Urban Member to the Fresno County Transportation Authority Executive Board – City Manager's Office
Action Taken: Approved
- B. Issues pertaining to Santa Fe Depot:
1. **HEARING** - Approve the request from American Paving Company for substitution of a subcontractor – Public Works Department
Action Taken: Approved
2. * Award a contract in the amount of \$1,316,199.00 for the base bid plus add-alternate bid items 6, 7 and 8 to American Paving Company, for construction of site improvements at the Santa Fe Depot and authorize the Public Works Director or his designee to sign the contract on behalf of the City, Bid File No. 2777-10968
(Property located in District 3)
Action Taken: Awarded
- C. **BILL - (For introduction)** - Amending Section 7-1002, Section 7-1202 Subsection (a), Section 7-1207 Subsection (a) and adding Subsection (e) to Section 7-1207 of the Fresno Municipal Code relating to exemption of private sector professional employees from business license and license fee requirements – City Attorney's Office
Action Taken: Laid over two weeks for community input
- D. Report on the status of the creation of the 10 year plan to end homelessness – City Manager's Office
Action Taken: Report made

10:00 A.M.#1

Discussion and direction regarding an ordinance for installation of solar panels for all new City-owned property, create a green solar panel committee to study and advise the Council on instruction for developers to include solar panels as a standard feature for industrial, commercial and residential development - Councilmember Dages
Action Taken: Staff to return with ordinance and committee to be created

10:00 A.M.#2

HEARING - to consider amending Underground Utility District No. FRE-86 (Shepherd Avenue between Willow Avenue and approximately 1320 feet west of Willow) **(Located in Council District 6)**
Action Taken: Held
a. **RESOLUTION** - Establishing Underground Utility District No. FRE-86 (Shepherd Avenue between Willow Avenue and approximately 1320 feet west of Willow)
Action Taken: Resolution No. 2008-11 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:45 A.M.** **TEFRA HEARING** as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed issuance of revenue bonds by the Housing Authority of the City of Fresno to finance the acquisition and construction of Phase II (215 units) of a 464-unit multifamily residential rental project, commonly known as PARC Grove Commons II – Finance Dept.
Action Taken: Held
- a. * **RESOLUTION** - Approving the issuance by the Housing Authority of the City of Fresno of revenue bonds in the aggregate principal amount not to exceed \$20 million
Action Taken: Resolution No. 2008-12 adopted
- 11:00 A.M.** **CONTINUED HEARING** to consider Rezone Application No. R-06-39, and environmental findings, filed by Harbour and Associates on behalf of Riverfront Ventures, LLC. pertaining to approximately 9.40 net acres of property located on the northwest corner of the intersection of W. Herndon and N. Bryan Avenues (***Property located in District 2***) – Planning and Development Department
Action Taken: Held and continued to 2/5/2008 @ 3:30 p.m.
- a. Consider and adopt Environmental Assessment No. R-06-39/T-5558/C-06-143, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (Exclusive Five Acre Agricultural/Expressway Area Overlay/Urban Growth Management) zone district to the R-1/EA/UGM (Single Family Residential/Expressway Area Overlay/Urban Growth Management) zone district
- 2:00 P.M. #1** Presentation of Certificates of Appreciation to Airport Department Employees
Action Taken: Presented
- 2:00 P.M. #2** **CONTESTED CONSENT ITEMS (IF ANY)**
- 2:00 P.M. #3** **CLOSED SESSION**
- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Andrew Turner, et al.
Action Taken: Held
- 2:30 P.M.** **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**
- Approve Agency minutes of January 15, 2008
Action Taken: Approved
- A. **RESOLUTION** - Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions (***Council and Agency action***) – City Clerk's Office
Action Taken: Resolution No. 2008-13/1712 adopted with revised Exhibit "V"
- B. Consider awarding contract to the lowest responsible bidder for the demolition and clearance of Las Palomas Restaurant & Night Club/C-Town Market located at 3702-3706 E. Ventura Street (***Agency action***)
Action Taken: Awarded

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:30 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- C.** Consider actions relating to the purchase of two properties in the Southwest Fresno GNRA Redevelopment Project Area:
- 1.** Authorize the Agency Executive Director to enter into Purchase and Sales Agreements for the property at 2304 S. Walnut Avenue (APN 477-162-01) owned by Jimmie L. Smith and Laura M. Burnley; and the property at 29 E. Florence Avenue (APN 477-144-29) owned by Jimmie L. Smith **(Agency action)**
Action Taken: Authorized
 - 2.** **RESOLUTION** – Adopting a Replacement Housing Plan relating to the acquisition of property located at 2304 S. Walnut Avenue in the Southwest Fresno General Neighborhood Renewal Redevelopment Area **(Agency action)**
Action Taken: Resolution No. 1713 adopted

RECESS TO 3:00 P.M.

3:00 P.M.

Consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH # 2003051046 for the Old Armenian Town Project-relocation of historical resources **(Continue to February 5, 2008 @ 3:00 P.M.)**
Action Taken: Continued as noted

ADJOURN AGENCY

3:15 P.M.

HEARING to consider Rezone Application No. R-07-45, and environmental findings, filed by Sheng Simon Vang on behalf of Bingo Trading Company – Planning and Development Dept. **(Continue to 3:50 P.M.)**
Action Taken: Continued

3:20 P.M.

HEARING to consider Rezone Application No. R-07-70 and environmental findings, filed by Envision Homes on behalf of FCF-Built LLC – Planning and Development Department **(Continue to 3:55 P.M.)**
Action Taken: Continued

3:50 P.M.

CONTINUED HEARING to consider Rezone Application No. R-07-45, and environmental findings, filed by Sheng Simon Vang on behalf of Bingo Trading Company, pertaining to approximately 1.03 acres of property located on the northeast corner of N. Clark and E. Belmont Avenue **(Property located in District 3)** – Planning and Development Dept.
Action Taken: Held

- a.** Consider and adopt Environmental Assessment No. R-07-45/S-07-119, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
Action Taken: Adopted
- b.** **BILL**– Amending the Official Zone Map to rezone the subject property from the C-6 *(Heavy Commercial)* zone district to the C-1 *(Neighborhood Shopping Center)* zone district
Action Taken: Bill No. B-1/Ordinance No. 2008-1

3:55 P.M.

CONTINUED HEARING to consider Rezone Application No. R-07-70 and environmental findings, filed by Envision Homes on behalf of FCF-Built LLC, pertaining to approximately 9.3 acres of property located on the east side of N. Marks between W. Floradora and W. McKinley Avenues – **(Property located in District 3)** – Planning and Development Department **(Continue to February 5, 2008 @ 10:30 a.m.)**
Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 4:00 P.M.** **HEARING** to consider Rezone Application No. R-07-16, and environmental findings, filed by the City of Fresno, pertaining to two parcels totaling 9.02 acres of property generally located on the southwest corner of E. Kings Canyon Road and S. Minnewawa Avenue (*Property located in District 5*) – Planning and Development Dept.
Action Taken: **Held**
- a. Consider and adopt Environmental Assessment No. R-07-16, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
Action Taken: **Adopted**
 - b. **BILL** – Amending the Official Zone Map to rezone each of the two parcels from the AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone district and the R-1-B (*Single Family Residential, minimum 12,500 square-foot lot size, Fresno County*) zone district to the R-1 (*Single Family Residential*) zone district
Action Taken: **Bill No. B-2/ordinance No. 2008-2 adopted**
- 4:05 P.M.** **HEARING** to consider Plan Amendment Application No. A-07-09, Rezone Application No. R-07-28, and environmental findings, filed by Harbour Associates, on behalf of Mid-State Investors, pertaining to approximately 4.80 acres of property located at the southwest corner of N. Blythe and W. Clinton Avenues (*Property located in District 3*) – Planning and Development Dept.
Action Taken: **Held**
- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-07-09/R-07-28/C-06-65/VTPM 2007-15
Action Taken: **Adopted**
 - b. **RESOLUTION** – Amending the 2025 Fresno General Plan and the West Area Community Plan from the office commercial planned land use designation for the northernmost 1.68 acres along West Clinton Avenue to the neighborhood commercial land use designation
Action Taken: **Resolution No. 2008-14 adopted**
 - c. **BILL** – Amending the Official Zone Map to rezone the northernmost 1.68 acres along West Clinton Avenue from the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district to the C-1/UGM (*Neighborhood Shopping Center Urban Growth Management*) zone district
Action Taken: **Bill No. B-3/Ordinance No. 2008-3 adopted**
- 4:10 P.M.** **HEARING** to consider Plan Amendment Application No. A-07-11, Rezone Application No. R-07-31, and environmental findings, filed by Sol Development on behalf of Derrel's Mini Storage, pertaining to approximately 9.05 acres of property located on the south side of E. Kings Canyon Road between S. Temperance and S. Armstrong Avenues (*Property located in District 5*) – Planning and Development Dept.
Action Taken: **Held**
- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-07-11/R-07-31/C-07-362
Action Taken: **Adopted**
 - b. **RESOLUTION** – Amending the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium-low density residential planned land use designation to the office commercial land use designation
Action Taken: **Resolution No. 2008-15 adopted**
 - c. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district to the S-L/EA/UGM (*Storage Limited/Expressway Area Overlay/Urban Growth Management*) zone district
Action Taken: **Bill No. B-4/Ordinance No. 2008-4 adopted**

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb.	5 -	10:30 A.M.	HEARING re: Rezone Application No. R-07-70, filed by Envision Homes on behalf of FCF-Built LLC
Feb.	5 -	10:45 A.M.	WORKSHOP relating to funding for sewer enterprise capital projects <i>(30 minutes)</i>
Feb.	5 -	3:00 P.M.	Consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH # 2003051046 for the Old Armenian Town Project-relocation of historical
Feb.	12 -	10:00 A.M.	CONTINUED HEARING to consider the "El Cazador" Condominium Conversion Application and Vesting Tentative Tract Map No. 5793, filed by United Development Group
Feb.	12 -	10:15 A.M.	CONTINUED HEARING to consider Rezone Application No. R-07-70, filed by Envision Homes on behalf of FCF-Built LLC, pertaining to approximately 9.3 acres of property located on the east side of North Marks between West Floradora and West McKinley Avenues –
Feb.	12 -	10:30 A.M.	WORKSHOP regarding parking – Public Works Dept.
Fb.	19 -	NO MEETING – PRESIDENT'S DAY	
Feb.	26 -	10:00 A.M.	Presentation by TreeTOPS Group – (Trails and open space)
Feb.	26 -	10:15 A.M.	HEARING re: Rezone Application No. R-07-72, filed by the City of Fresno
Feb.	26 -	10:30 A.M.	HEARING to consider of Zoning Ordinance Text Amendment No. TA-07-02 and Environmental Finding related to the "ANX" Annexed Rural Residential Transitional Overlay District
Feb.	26 -	10:45 A.M.	Asset Map/Drill Down Analysis project for the Economic Development Dept.
Mar.	18 -	NO MEETING – EASTER BREAK	
Mar.	25 -	10:00 A.M.	HEARING for the vacation of Fulton Lane between Broadway and Fulton Streets and the Broadway-Fulton/Broadway-Divisadero Alley between Fulton Lane and Yosemite Avenue - RI No. 1063D